

Appl. No. 10/050,348

**REMARKS**

Claims 41-43 are pending in the application.

Claims 41-43 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ma, U.S. Patent No. 5,960,302. The Examiner is reminded by direction to MPEP § 2131 that anticipation requires each and every element of a claim to be disclosed in a single prior art reference. Claims 41-43 are allowable over Ma for at least the reason that Ma fails to disclose each and every limitation in any of those claims.

Independent claim 41 recites a gate oxide layer having a thickness of about 5Å and having a nitrogen-enriched region which is only in an upper half of the gate oxide layer. The Examiner indicates at page 2 of the present Action that Ma discloses a gate oxide layer inclusive of layers 1311 and 115 having a thickness of about 5Å. Applicant notes that each of layers 1311 and 115 have a minimum thickness of 0.5 nanometers. Accordingly, in combination layers 1311 and 115 together have a thickness of at least 1 nanometer. Applicant further notes that Ma specifically indicates the gate dielectric layer consisting of layers 1311, 115 and 17. Dielectric layer 17 is also indicated as having a minimum thickness of 0.5 nanometers. Accordingly, Ma does not disclose the claim 41 recited gate oxide having a thickness of about 5Å. Independent claim 41 is therefore not anticipated by Ma and is allowable over this reference.

Dependent claims 42 and 43 are allowable over Ma for at least the reason that they depend from allowable base claim 41.

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For the reasons discussed above claims 41-43 are allowable. Accordingly, applicant respectfully requests formal allowance of such claims in the Examiner's next action.

Respectfully submitted,

Dated: May 10, 2005By: Jennifer J. TaylorJennifer J. Taylor, Ph.D.  
Reg. No. 48,711